

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

<b>UNIVERSAL LIFE CHURCH</b>	)	
<b>MONASTERY STOREHOUSE, ET AL.</b>	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO.: 2:19-cv-00049</b>
	)	<b>Chief Judge Waverly D. Crenshaw</b>
<b>WAYNE NABORS, ET AL.</b>	)	<b>Magistrate Judge Alistair Newbern</b>
<b>Defendants.</b>	)	

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**PUTNAM COUNTY CLERK WAYNE NABORS' MOTION FOR LEAVE TO  
FILE MOTION TO DISMISS**

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Comes Putnam County Clerk Wayne Nabors; and pursuant to this Court's Order dated July 3, 2019 (Doc. 53) and the Order of the Magistrate Judge dated August 9, 2019 (Doc. 92), respectfully requests that this Court grant leave for him to file a Rule 12(b)(1) and 12(b)(6) Motion to Dismiss the claims against him. For cause, Mr. Nabors would show that the interests of justice and judicial efficiency are served by allowing him to establish, as a threshold matter, that he is not a proper party to this action. Plaintiffs have not alleged a justiciable case or controversy with regard to him, he has no interest in the outcome of this litigation and takes no position on the merits of the Plaintiffs' constitutional claims, and he has not taken, or failed to take, any action causing a deprivation of Plaintiffs' rights. Therefore, Mr. Nabors' participation in a trial on the merits would not be in the interest of justice or judicial efficiency.

Mr. Nabors respectfully requests that he be afforded an opportunity to seek dismissal of Plaintiffs' claims against him under Rule 12(b)(1) because there is no justiciable case or controversy as to Mr. Nabors, the Plaintiffs lack standing to bring claims

against him and cannot meet the requirements for third party standing, and Mr. Nabors does not have a “real and adverse” interest to Plaintiffs. Mr. Nabors further seeks leave to move for dismissal under Rule 12(b)(6) because the Second Amended Complaint fails to state a claim against him upon which relief can be granted. The allegations in the Second Amended Complaint do not state a plausible claim for relief against Mr. Nabors, and he should be permitted an opportunity to present his arguments that the claims against him should, therefore, be dismissed.

Allowing Mr. Nabors to file a Rule 12 Motion to Dismiss will not delay the trial of this cause and will not prejudice Plaintiffs, and therefore Mr. Nabors requests that the Motion for Leave be granted. In support of this Motion, Mr. Nabors submits the attached memorandum of law.

Respectfully submitted,

/s/Jeffrey G. Jones

**Jeffrey G. Jones**, BPR No. 12680

**WIMBERLY LAWSON WRIGHT DAVES &  
JONES, PLLC**

*Attorneys for Defendant Wayne Nabors, in his  
official capacity as County Clerk of Putnam County,  
Tennessee*

1420 Neal Street, Suite 201

Cookeville, TN 38501

Telephone: (931) 372-9123

Email: jjones@wimberlylawson.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of August, 2019, a true and correct copy of the foregoing document was electronically filed utilizing the CM/ECF system. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated below and on the electronic filing receipt.

Rocklan W. King, III  
Adams and Reese LLP  
424 Church Street, Suite 2700  
Nashville, TN 37219  
Phone: (615) 259-1450  
Email: rocky.king@arlaw.com

Lucian T. Pera  
Crescent Center  
6075 Poplar Avenue, Suite 700  
Memphis, TN 38119  
Phone: (901) 524-5278  
Email: Lucian.pera@arlaw.com

Bruce E.H. Johnson  
Ambika K. Doran  
Robert E. Miller  
Davis Wright Tremaine LLP  
920 Fifth Avenue, Suite 3300  
Seattle, WA 98104  
Phone: (206) 622-3150  
Email: brucejohnson@dwt.com  
ambikadoran@dwt.com  
robertmiller@dwt.com

Lisa M. Carson, BPR# 14782  
BUERGER, MOSELEY & CARSON, PLC  
County Attorney for Williamson County, Tennessee  
306 Public Square  
Franklin, TN 37064  
Telephone: (615) 794-8850  
Email: lcarson@buergerlaw.com

Nicholas Christiansen  
Attorney for Lisa Duke Crowell, in her official capacity as  
Clerk of Rutherford County, Tennessee  
16 Public Square North  
Murfreesboro, TN 37133  
nchristiansen@mborolaw.com

Mary Neill Southerland  
Attorney for William Knowles, in his official capacity as  
Clerk of Hamilton County, Tennessee  
204 Courthouse, 625 Georgia Avenue  
Chattanooga, TN 37402  
neills@hamiltontn.gov

Leslie Ann Bridges  
Senior Deputy and Counsel to the  
Attorney General of the State of Tennessee  
301 6<sup>th</sup> Avenue North  
Nashville, TN 37243  
Leslie.Bridges@ag.tn.gov

Jonathan David Shaub  
Assistant Solicitor General to the  
Attorney General of the State of Tennessee  
301 6<sup>th</sup> Avenue North  
Nashville, TN 37243  
Jonathan.shaub@ag.tn.gov

/s/Jeffrey G. Jones\_\_\_\_\_